



# Telecommunications Law Professionals PLLC

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September 20, 2017

## VIA ECFS

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of Ex Parte Communication – Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Petition for Rulemaking to Amend and Modernize Parts 25 and 101 of the Commission's Rules to Authorize and Facilitate the Deployment of Licensed Point-to-Multipoint Fixed Wireless Broadband Service in the 3700-4200 Band, RM-11791; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, GN Docket No. 17-183

Dear Ms. Dortch:

On September 18, 2016, Christopher Nierman, Senior Counsel, Federal Affairs, and Kara Azocar, Regulatory Counsel, Federal Affairs, of General Communication, Inc. ("GCI"), along with Jessica Gyllstrom and Michael Lazarus of Telecommunications Law Professionals PLLC, met separately with (1) Rachael Bender of Chairman Pai's office; (2) Erin McGrath of Commissioner O'Rielly's office; (3) Kevin Holmes of Commissioner Carr's office; (4) Daudeline Meme of Commissioner Clyburn's office and (5) Holly Sauer of Commissioner Rosenworcel's office (collectively, "FCC Staff"). In each meeting, the parties discussed the above-referenced dockets, and GCI's presentations were consistent with its previous statements on the record.

Specifically, regarding mid-band spectrum, GCI discussed the importance of continued unencumbered access to the 3700-4200 MHz band ("3.7 GHz Band" or "C-Band") for the provision of critical communications services throughout Alaska. As Alaska's largest communication provider, GCI must utilize a variety of technologies to overcome the natural challenges of operating in Alaska, including its remoteness, federal land restrictions, limited backhaul availability, and extreme weather conditions. As a result, GCI has invested well over \$100 million in developing and deploying the C-Band in order to provide fixed satellite service ("FSS") backhaul operations and improve service availability for rural Alaskan customers that oftentimes do not have any other communications option. During its meetings, GCI provided background information on the following critical services that it provides across all 500 MHz of the C-Band:



- Alaska Plan: To meet its obligations under the Alaska Plan, GCI uses C-Band spectrum to deliver middle-mile capacity with the last-mile LTE service – a critical initiative to provide needed broadband services to under- and otherwise entirely un-served areas.
- Critical Long-Distance Services: GCI provides Measured Toll Service (“MTS”), which is oftentimes the only communications link for remote villages throughout the state due to geographical and weather-related challenges unique to Alaska. GCI also relies on the C-Band to provide special access to businesses, Tribes, local, state and federal governments.
- Telehealth: Through its ConnectMD network, GCI supports the delivery of telemedicine services such as teleradiology, remote patient monitoring, medical network solutions, and live video-conferencing to customers in Alaska. In many instances, the ConnectMD network is the only way that rural Alaskans may gain access to comprehensive medical care.
- Long-Distance Learning: GCI’s SchoolAccess network provides broadband access, video conferencing and state-of-the-art digital tools to schools and libraries in rural and underserved regions of the United States, allowing students to virtually participate in programs that may not otherwise be available due to their location.
- FAA Real-Time Weather Assistance: For over a decade, GCI has been working with the FAA on a program that provides real-time weather-camera information to pilots using the GCI satellite network for middle-mile backhaul. This program has reduced weather-related aviation incidents in Alaska by 85 percent, and has reduced how often pilots must turn a plane around due to weather by 66 percent.

GCI stressed that the above services depend on unfettered access free from interference. To that end, GCI expressed significant concern over the proposals offered in the BAC Petition. GCI explained that the proposal to eliminate full-band, full-arc coordination policies would strip FSS operators of the necessary flexibility to shift frequencies and satellites in the event of a transponder or satellite failure, thus interfering with GCI’s operations. GCI also detailed why frequency coordination would not be a suitable method to resolving interference and explained that due to the configuration of the band, any interference would be considered harmful interference and would result in the disruption of GCI’s critical C-Band services.

Accordingly, GCI urged FCC Staff to reject the BAC proposal and focus on the recent mid-band spectrum inquiry in order to develop a complete record and understanding of incumbent uses and access to this spectrum. However, GCI expressed its concerns about allowing mobile operations into the C-Band but noted its willingness to examine and evaluate proposals to the extent they would be able to adequately protect GCI’s critical, longstanding services in the band. Lastly, GCI also expressed its initial understanding that the 5.925-6.425 GHz Band may be better suited for sharing than the 3.7 GHz Band.

In addition, GCI also addressed issues surrounding wireless infrastructure during its meetings, and encouraged the Commission to continue to move forward with removing barriers to infrastructure investment and deployment. Specifically, GCI reiterated its support for the implementation of a shorter



shot clock (60 days for collocations, 90 days for other siting applications) and adoption of a deemed granted remedy; and encouraged efforts towards resolving incomplete application issues, including the adoption of a form filing. GCI also explained that it continues to face issues with timely resolution of siting applications before Native Tribes. Alaska has 229 federally recognized Tribes, and oftentimes GCI's requests through TCNS are left unanswered due to missing or out-of-date contact information. GCI expressed support for the implementation of a "deemed granted" or "no objection" consideration if such notifications are not responded to by Tribes within 30 days, and also encouraged the FCC to require Tribes to maintain updated contact information in TCNS. GCI also suggested that the FCC implement a procedure that would appoint one Tribe or representative to be the proper contact if multiple Tribes are affected by one TCNS request, as is often the case in Alaska. Finally, GCI recommended that TCNS be modified to retain information for areas where concerns have been raised and reviews conducted so that future filers may be aware, which may reduce redundant requests and communications.

GCI also informed FCC Staff of the imposition of telecommunications-tower set back requirements in multiple jurisdictions in Alaska. Specifically, GCI offered the following examples of such ordinances:

- One jurisdiction requires that telecommunications towers be 200% of the allowable or actual tower height (whichever is greater) from any principal structure on residentially zoned land or school or childcare center.
- Another jurisdiction requires that telecommunications towers must be set back from adjacent property lines a distance equal to or greater than the actual height of the tower.

GCI explained that such requirements only apply to wireless infrastructure, therefore singling out wireless deployments and hindering infrastructure development and deployment.

As indicated through its discussions concerning the above-referenced proceedings, GCI supports the FCC in its efforts to close the digital divide, and believes that its recommendations surrounding continued unencumbered FSS operations in the C-Band, as well as effective and efficient buildout by reducing infrastructure barriers, will enable providers like GCI to continue to strive for optimized service in Alaska and other rural and underserved areas.

Please direct any questions to the undersigned.



Ms. Marlene H. Dortch  
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Sincerely,

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